

Applicant provisionally elects, without prejudice and with respectful seasonable traverse, the Examiner defined invention of Group I, namely, product claims 1-9.

Should the claims of Group I be found allowable, the Examiner is requested to rejoin the process claims under the guidance for the treatment of product and process claims in *In re Ochiai*, 37 USPQ2d 1127 (CAFC 1995). Applicant suggests that the notes that the process claims include all the reasonable limitations of the product claim, as required in the PTO's guidelines

#### REMARKS

While not acquiescing to the merits of the Examiners restriction/rejection, Applicant has elected to provisionally cancel claims 10-12, without prejudice, solely for the purpose of expediting the patent application process in a manner consistent with the PTO's Patent Business Goals, 65 Fed. Reg. 54604 (Sept. 8, 2000). No amendment is made related to the statutory requirements of patentability, nor is any amendment made for the purpose of narrowing the scope of the claims of the invention itself.

Applicant kindly notes that if the restriction requirement is maintained they reserve the right to file a divisional application at a later time during the prosecution process.


Only those fees provided herein are believed due with this response, however, the Commissioner is hereby authorized to charge payment of any additional fees associated with this communication, or credit any overpayment, to Deposit Account No. 13-4550.

In the spirit of condensed and streamlined practice, if the Examiner

believes that a telephone conference would be of value, he is respectfully requested to call the undersigned counsel at the number listed below for prompt response.

Early and favorable action is respectfully solicited.

Respectfully Submitted,



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